

# Exhibit J

**Carol A. Wittenberg**

**Carol A. Wittenberg**, a widely respected arbitrator and mediator for 30 years, is well known for the resolution of labor, employment, and securities disputes. Ms. Wittenberg joined JAMS when the firm she co-founded, ADR Associates, merged with JAMS in 2004.

#### **Special Master/Settlement Arbitrator**

- Independent Claims Expert in *Bellifemine et. al. v. Sanofi-Aventis*, a class action settlement of discrimination claims
- Court appointed Special Master in *Arroyo v. Redeye Grill*, settlement of a Federal Labor Standards Act (FLSA) case, a case Ms. Wittenberg mediated
- Court appointed Settlement Arbitrator in *Robinson v. Metro North Railroad*, a class action settlement of allegations of race discrimination
- Arbitrator in *Mohney v. Shelly's Prime Steak*, a class action FLSA settlement, to resolve retaliation and tort claims, a case Ms. Wittenberg mediated
- Arbitrator in *Moore v. AFTRA Health and Retirement Funds*, to resolve benefit claims of musicians

#### **ADR Experience and Qualifications**

- Successfully mediated hundreds of employment disputes in the following subject areas including: age discrimination, breach of contract, disability, gender discrimination, sexual harassment, and wrongful discharge
- Mediated and arbitrated cases involving the securities industry including bonus, defamation, breach of contract, and severance disputes
- Mediated whistleblower cases involving executives of large firms
- Mediated numerous class actions and collective actions under the Fair Labor Standards Act and state law in the restaurant, health care and transportation industries
- Arbitrated hundreds of labor-management disputes in the airlines, trucking, entertainment, sports, telecommunications, and publishing industries
- Conducted a number of neutral investigations involving claims of sexual harassment, retaliation and gender discrimination
- Served on the Extension Faculty of Cornell University's School of Industrial and Labor Relations (ILR) for 20 years and served as the ILR School's Neutral-In-Residence for the 2003-2004 school year

#### **Representative Matters**

- Mediated multi-plaintiff cases by female managers alleging gender discrimination and failure to promote employed by national and international banks
- Mediated a putative class action sexual harassment case against a national home service industry with both the company and the EEOC
- Mediated a variety of breach of contract cases brought by executives in the financial services industry
- Mediated putative class action race discrimination case against the food service industry
- Mediated a number of Fair Labor Standards Act class action and collective actions in the restaurant industry
- Mediated class action age discrimination case following mass layoff
- Mediated claims involving the failure to make partnership in law and accounting firms
- Mediated malicious prosecution case brought by a senior executive against an international bank
- Mediated retaliation case involving a television newscaster and a local television station
- Mediated case involving breach of contract claims between a film star and an internet entertainment company
- Mediated severance and bonus claims involving high-level executives in investment banking firms
- Mediated claims of gender discrimination by named plaintiffs arising out of class actions in the financial services industry
- Mediated dozens of claims of gender discrimination in conjunction with the class action, *Cremin, et al. v. Merrill Lynch Pierce Fenner & Smith*
- Mediator and arbitrator of gender discrimination cases in *Martens et al. v. Salomon Smith Barney*

- Arbitrated breach of contract claims by executives following termination of their employment in the financial services industry
- Arbitrated gender discrimination claims of financial advisors against investment banks
- Arbitrated several cases challenging the accuracy of U-5's following termination of executives in financial services
- Arbitrated a number of retaliation and tort claims under several FLSA settlement agreements involving the restaurant industry
- Arbitrated a number of discipline and failure to promote cases under a class action involving allegations of race discrimination
- Arbitrated salary disputes involving professional baseball and hockey players under contracts between Major League Baseball and the MLF Players' Association and the National Hockey League (NHL) and the NHL Players' Association
- Arbitrated injury cases involving professional football players under a collective bargaining agreement between the National Football League (NFL) and the NFL Players' Association

**Honors, Memberships, and Professional Activities**

- Member, New York City Board of Collective Bargaining, since 2002
- Member, NASD Employment Mediation Panel, since 1997
- Member, National Academy of Arbitrators, since 1987
- Taught courses in mediation, arbitration, and conflict resolution, including "Thesis Alternative: ADR Practicum" for the Baruch College Masters of Industrial Relations Program
- Co-author of several articles on mediation and arbitration, including:
  - "Employment Disputes," *Mediating Legal Disputes: Effective Strategies For Lawyers and Mediators*, Little Brown & Company, 1996
  - "Why Employment Disputes Mediation is on the Rise," *Litigation and Technology Management Report* Vol. 2. No. 1, February, 1996
  - "Internal Investigations: When To Use An Outside Neutral," 1998
  - "Resolving Employment Disputes Through ADR: Matching the Process To The Dispute," presented at Matthew Bender's 1999 *New York Employment Law Update*

**Background and Education**

- Principal, ADR Associates, LLC, 2000-2004
- Principal, Wittenberg & Shaw, LLC, 1995-2000
- M.S., Hunter College 1974
- B.S., Cornell University's New York State School of Industrial & Labor Relations, 1964